

Response to Rule 312 Communication	Application No.	Applicant(s)	
	09/374,704	BAIRD ET AL	
	Examiner	Art Unit	
	Janet L. Epps-Ford, Ph.D.	1635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☒ The amendment filed on 21 January 2005 under 37 CFR 1.312 has been considered, and has been:

- a) ☐ entered.
- b) ☐ entered as directed to matters of form not affecting the scope of the invention.
- c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

- d) ☒ disapproved. See explanation below.
- e) ☐ entered in part. See explanation below.

The replacement paragraph indicated that the instant application is a CIP of US provisionals 60/038,384, 60/024,374, and 60/023,309. As per MPEP § 201.07[R-2] An application claiming the benefits of a provisional application under 35 U.S.C. 119(e) should not be called a "continuation" of the provisional application since an application that claims benefit of a provisional application is a nonprovisional application of a provisional application, not a continuation, division, or continuation-in-part of the provisional application.

The examiner has prepared an Examiner's amendment to make the appropriate corrections addressing this particular issue.

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